

House File 754

H-1145

1 Amend House File 754 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. **19B.7A State contracts — race**
5 **and gender compensation reporting.**

6 1. For purposes of ensuring compliance with chapter 216
7 and this chapter, a nonstate party to a contract for goods or
8 services with the state shall submit the following information
9 regarding each of its employees in a report to the department
10 of administrative services and the civil rights commission
11 annually by January 1:

12 a. Total annual compensation.

13 b. Occupation.

14 c. Sex.

15 d. Race.

16 e. Length of employment.

17 f. Highest level of education attained.

18 g. Years of experience relevant to the employee's job.

19 2. Names of employees shall not be included in the report.

20 Sec. 2. Section 216.6A, Code 2021, is amended by adding the
21 following new subsections:

22 NEW SUBSECTION. 2A. It shall be an unfair or discriminatory
23 practice for any employer or agent of any employer to do any of
24 the following:

25 a. Require, as a condition of employment, that an employee
26 refrain from disclosing, discussing, or sharing information
27 about the amount of the employee's wages, benefits, or other
28 compensation or from inquiring, discussing, or sharing
29 information about any other employee's wages, benefits, or
30 other compensation.

31 b. Require, as a condition of employment, that an employee
32 sign a waiver or other document that requires an employee to
33 refrain from engaging in any of the activities permitted under
34 paragraph "a".

35 c. Discriminate or retaliate against an employee for

1 engaging in any of the activities permitted under paragraph "a".

2 *d.* Seek salary history information, including but not
3 limited to information on compensation and benefits, from
4 a potential employee as a condition of a job interview or
5 employment. This paragraph shall not be construed to prohibit
6 a prospective employer from asking a prospective employee what
7 salary level the prospective employee would require in order to
8 accept a job.

9 *e.* Release the salary history, including but not limited
10 to information on compensation and benefits, of any current
11 or former employee to any prospective employer in response to
12 a request as part of an interview or hiring process without
13 written authorization from such current or former employee.

14 *f.* Publish, list, or post within the employer's
15 organization, with any employment agency, job-listing
16 service, or internet site, or in any other public manner, an
17 advertisement to recruit candidates for hire or independent
18 contractors to fill a position within the employer's
19 organization without including the minimum rate of pay of the
20 position. The rate of pay may be by the hour, shift, day, week,
21 salary, piece, commission, or other applicable rate. The rate
22 of pay shall include overtime and allowances, if any, claimed
23 as part of the minimum wage, including but not limited to
24 tipped wages.

25 *g.* Pay a newly hired employee at less than the rate of pay
26 advertised for the employee's position under paragraph "f".

27 NEW SUBSECTION. 5. The commission shall establish a
28 statewide, toll-free telephone hotline for the purpose of
29 receiving reports of violations of this section.

30 Sec. 3. Section 216.6A, subsection 3, Code 2021, is amended
31 to read as follows:

32 3. *a.* It shall be an affirmative defense to a claim arising
33 under [this section](#) if any of the following applies:

34 ~~*a.*~~ (1) Payment of wages is made pursuant to a seniority
35 system.

1 ~~b.~~ (2) Payment of wages is made pursuant to a merit system.

2 ~~c.~~ (3) Payment of wages is made pursuant to a system which
3 measures earnings by quantity or quality of production.

4 ~~d.~~ (4) Pay differential is based on any other bona fide
5 factor other than the age, race, creed, color, sex, sexual
6 orientation, gender identity, national origin, religion,
7 or disability of such employee, including but not limited
8 to a bona fide factor relating to education, training, or
9 experience. This defense shall apply only if the employer
10 demonstrates that the factor is not based on or derived from
11 a differential in compensation based on age, race, creed,
12 color, sex, sexual orientation, gender identity, national
13 origin, religion, or disability; is job-related with respect
14 to the position in question; and is consistent with a business
15 necessity. For purposes of this subparagraph, "business
16 necessity" means an overriding legitimate business purpose
17 such that the factor relied upon effectively fulfills the
18 business purpose it is supposed to serve. This affirmative
19 defense shall not apply if the employee demonstrates that an
20 alternative business practice exists that would serve the same
21 business purpose without producing the wage differential.

22 b. An affirmative defense under this subsection is not
23 applicable unless one or more of the defenses listed in
24 paragraph "a" account for the entire pay differential that is
25 the subject of the claim.

26 Sec. 4. EQUAL PAY TASK FORCE AND REPORT.

27 1. An equal pay task force is created. The task force shall
28 consist of the following members:

29 a. The director of the civil rights commission, or the
30 director's designee.

31 b. The director of the department of human rights, or the
32 director's designee.

33 c. An employee of the labor market information division
34 of the department of workforce development designated by the
35 director of the department.

1 d. A representative of the association of business and
2 industry, appointed by the president of the association.

3 e. A member of a statewide labor organization appointed by
4 the president of the organization.

5 f. Two representatives of organizations whose objectives
6 include the elimination of pay disparities between men and
7 women and minorities and nonminorities and that have undertaken
8 advocacy, educational, or legislative initiatives in pursuit
9 of such objectives appointed by the director of the civil
10 rights commission in consultation with the leadership of those
11 organizations.

12 g. Two representatives of postsecondary education
13 institutions who have experience and expertise in the
14 collection and analysis of data concerning pay disparities
15 between men and women and minorities and nonminorities
16 and whose research has been used in efforts to promote the
17 elimination of such disparities appointed by the director of
18 the civil rights commission in consultation with the leadership
19 of those institutions.

20 h. Four members of the general assembly serving as
21 ex officio, nonvoting members, one representative to be
22 appointed by the speaker of the house of representatives, one
23 representative to be appointed by the minority leader of the
24 house of representatives, one senator to be appointed by the
25 majority leader of the senate, and one senator to be appointed
26 by the minority leader of the senate.

27 2. The task force shall study all of the following:

28 a. The extent of wage disparities, both in the public and
29 private sectors, between men and women and between minorities
30 and nonminorities.

31 b. Factors that cause, or which tend to cause, such
32 disparities, including segregation between women and
33 men and between minorities and nonminorities across and
34 within occupations, payment of lower wages for work in
35 female-dominated occupations, child-rearing responsibilities,

1 the number of women who are heads of households, education,
2 hours worked, and years on the job.

3 c. The consequences of such disparities on the economy and
4 affected families.

5 d. Actions likely to lead to the elimination and prevention
6 of such disparities.

7 3. The civil rights commission shall provide staffing
8 services for the task force.

9 4. The voting members shall elect a chairperson from the
10 voting membership of the task force. A majority of the voting
11 members of the task force constitutes a quorum.

12 5. Voting members of the task force shall receive
13 reimbursement for actual expenses incurred while serving
14 in their official capacity only if they are not eligible
15 for reimbursement by the organization that they represent.
16 Legislative members shall be paid the per diem and expenses
17 specified in section 2.10.

18 6. The task force shall submit a report regarding its
19 findings and its recommendations regarding potential actions
20 for the elimination and prevention of disparities in wages
21 between men and women and minorities and nonminorities to the
22 governor and the general assembly no later than December 18,
23 2022.>

24 2. Title page, by striking lines 1 and 2 and inserting
25 <An Act relating to wage discrimination under the Iowa civil
26 rights Act of 1965 and in state contracting, making penalties
27 applicable, and establishing an equal pay task force.>

HUNTER of Polk